

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-156 (SRN/TNL)

Plaintiff,

v.

ORDER

Desean James Solomon (1),
Jamaal Rashed Rice (2),
Leontawan Lentez Holt (3),
Michael Allen Burrell (4), and
Andrew Calvin Noble (5),

Defendants.

This matter is set for a motions hearing on December 14, 2023. ECF No. 173 at 4. Defendant Jamaal Rashed Rice, through his counsel, has filed a Motion for a Continuance, ECF No. 194, and a Motion to Exclude Time Under the Speedy Trial Act, ECF No. 195.¹ Defense counsel states that Rice recently tested positive for COVID-19 and is currently being quarantined at the facility where he is detained. ECF No. 194 at 1. Defense “counsel has been unable to confer with [Rice] or determine the severity of his symptoms.” ECF No. 194 at 1. Defense counsel does not object to Rice’s motions being heard separately from the motions of his co-defendants, but requests that the motions hearing be continued as to Rice under the circumstances. The Government has no objection to the requested continuance. It is not clear how long Rice will need to be quarantined.

¹ Defendant counsel notes that “[a]n executed Statement of Facts will be filed as soon as [Rice] is out of quarantine and can safely meet with counsel.” ECF No. 195 at 1.

This case was previously designed as complex under 18 U.S.C. § 3161(h)(7)(B)(ii). *See generally* ECF No. 57. More than 50 pretrial motions have been filed. Because the motions hearing must take place sometime after Rice’s quarantine has ended consistent with the safety protocols of the facility in which he is detained and the interests of justice are served by continuing to keep the Defendants aligned given the complexity of the case and the overlapping nature of the facts and legal issues, **IT IS HEREBY ORDERED** that Rice’s Motion for a Continuance, ECF No. 194, and Motion to Exclude Time Under the Speedy Trial Act, ECF No. 195, are **GRANTED**. **IT IS FURTHER ORDERED** that, *as to all Defendants*, the criminal motions hearing scheduled for December 14 is **CONTINUED** to January 5, 2024, at 10:00 a.m., before the undersigned in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.

The Court finds that the ends of justice served by ordering this continuance outweigh the best interests of the public and Defendants’ right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A). In addition, under 18 U.S.C. § 3161(h)(7)(B)(i), the Court finds that a miscarriage of justice would result if time were not excluded under the circumstances. **Accordingly, the time period between the date of this Order and January 5, 2024, shall be excluded from Speedy Trial Act computations in this case.** *See United States v. Mallett*, 751 F.3d 907, 911 (8th Cir. 2014) (“Exclusions of time attributable to one defendant apply to all codefendants.” (quotation omitted)); *United States v. Arrellano-Garcia*, 471 F.3d 897, 900 (8th Cir. 2006) (same); *see also* 18 U.S.C. § 3161(h)(7)(6) (excluding “[a] reasonable period of delay when the defendant is joined

for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted”); *Henderson v. United States*, 476 U.S. 321, 323 n.2 (1986) (“[a]ll defendants who are joined for trial generally fall within the speedy trial computation of the latest codefendant”); *United States v. Cordova*, 157 F.3d 587, 598-99 (8th Cir. 1998).

Dated: December 11, 2023

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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